

Argentina

ARGENTINA

A1013

OVERVIEW

Following the 1976 Military coup hundreds of labor leaders were jailed or forced into exile, including the Secretary General of the General Confederation of Labor (CGT). The CGT and most other important labor organizations were put under military control, and normal trade union activities were suspended. Since the coup several labor leaders were mysteriously "kidnapped". One, Oscar Smith, has never been seen again.

Most labor leaders have been released from prison by now, but a few, including the powerful former boss of the Metalworkers, Lorenzo Miguel, are being kept under house arrest.

For more than a year there has been no major confrontation between the Government and organized labor. However, arrests are still made from time to time, especially during times of labor unrest, such as when wildcat strikes are accompanied by or threaten to result in violence. The charge is usually violation of the ban on political and labor activity, or of security laws. Those apprehended are usually released after the excitement has subsided.

Government promises to "normalize" labor relations - i.e., to allow labor organizations to function freely and to engage in collective bargaining - have been made periodically since 1976, usually just before the yearly conferences of the International Labor Organization, but so far they have not been kept. Again this year, as the ILO Conference approaches there was talk of the Government allowing the organization of regional federations along industry lines, but without a central national confederation. So far, none of these promises have materialized.

COMMITTEE OF EXPERTS (COE) COMMENTS ON VIOLATIONS OF ILO HUMAN RIGHTS CONVENTIONS

Forced Labor: No. 29

Ratified

Comments: 1974

The National Defense Act is too broadly defined according to the COE. The COE hoped the Act would be amended to limit the government's power to draft labor to circumstances of emergencies and to specifically exclude the draft of labor for economic objectives. Since then the COE has requested information from Argentina as to whether this Act has been amended.

Forced Labor: No 105

Ratified

ARGENTINA PROJECT (S200000044)

U.S. DEPT. OF STATE, A/RPS/IPS

Margaret P. Grafeld, Director

☒ Release ☐ Excise ☐ Deny

Exemption(s):

Declassify: ☐ In Part ☐ In Full

☐ Classify as ☐ Extend as ☐ Downgrade to

Date Declassify on Reason

LOT 82D177

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(2)

Comments: 1978

Since the declaration of a state of seige in 1974 all constitutional guarantees have been suspended, including the right of freedom of association, the right to strike, and participation in certain trade union activities. Up to six or ten years of prison involving compulsory labor may be imposed for participating in prohibited associations or prohibited trade union activities.

Freedom of Association and the Right to Organize: No. 87

Ratified

Comments: 1978

The Government exercises control over the General Confederation of Labor and other trade union organizations. The general ban has not yet been lifted on trade union activities, particularly in respect of elections, meetings and collective bargaining.

Right to Organize and Collective Bargaining: No. 98

Ratified

Comments: 1979, 1977

Collective bargaining is still prohibited reportedly for reasons of economic stabilization. The COE requests the Government of Argentina to take measures to restore the full use of collective bargaining.

Equal Remuneration: No. 100

Ratified

Comments: 1977

On the basis of examples of collective bargaining agreements sent by the Government of Argentina, the COE notes that in some cases wages rates are still prescribed according to sex, and are clearly in violation of this Convention.

Discrimination (Employment and Occupation): No. 111

Comments: 1979, 1978

The Dismissal Act of 1976 was again extended to December 1978. The COE hopes the Government will discontinue "exceptional measures of this nature".

CASES BROUGHT BEFORE THE ILO COMMITTEE ON FREEDOM OF ASSOCIATION (CFA)

Case No. 842

Last considered by the CFA in February, 1979.

Brought by the WFTU, WCL, and the National Confederation of Workers of Peru in 1976.

Background:

Complaints concern the arrest or disappearance of 82 trade unionists,

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and the Government's control of the General Confederation of Labor and other trade unions.

Government position: (October 24, 1978)

- (1) Of the 32 persons mentioned, 45 were free, 8 had left the country, 6 had been convicted, 9 were being tried and 14 were still at the disposal of the national executive authority.
- (2) The Government of Argentina also stressed that restrictions on trade union activities did not in any way detract from existing legislation respecting workers' associations. Even where certain trade union organizations have been taken over, the unions' rights to represent and defend the interests of their members remain assured.

CFA position:

- (1) the restrictive measures against all trade unionists who are being held and not undergoing trial should be lifted as soon as possible.
- (2) the CFA should provide additional information regarding the charges against the unionists who have been sentenced or who are awaiting trial.
- (3) the CFA should continue to "examine the question of the alleged disappearance of various unionists named in the complaint".
- (4) The restrictions placed on trade union activities not only are incompatible with Conventions 87 and 98, but exert an unfavorable influence on the development of strong representative trade union organizations. Restrictions mentioned by the CFA concern elections, union meetings, collective bargaining, the right to strike, and the free administration of certain organizations.

CASE REMAINS OPEN

Case No. 836

Last considered by the CFA in February, 1977.
Brought by the WCL in 1975.

Background:

Complaint concerns the confiscation of trade union documents and the abduction of Jose Palacios, an official of the Metalworkers' Union.

Government position:

- (1) The abduction took place four months before the present government came to power. An investigation is being made as to Palacios' whereabouts, so far without success.

CFA position:

- (1) The CFA requests the Government to continue its investigation and to keep the CFA informed of any developments.

CASE REMAINS OPEN

Case No. 809

Last considered by the CFA in February, 1976.

Brought by the Buenos Aires Printing Workers' Federation (FGB) in 1975.

Background:

Complaint concerns the withdrawal of trade union status from the FGB and the arrest of Mr. Ongaro, leader of the FGB.

Government position:

- (1) Recognition of the FGB was withdrawn due to its contravention of the national compromise action and to irregularities in the unions' financial management.
- (2) Ongaro was arrested because of his intention to create a disturbance against the national reconstruction program, and for possession of weapons and ammunition. The state of emergency allows the government the right to arrest and oust persons, without having to supply the reasons for arrest. Ongaro chose to exercise his right to leave the country in August 1975.

CFA position:

- (1) The right to due process is not granted under the existing state of emergency. Also, granting a trade unionist freedom on the condition that he leaves the country is incompatible with the free exercise of trade union rights.
- (2) The CFA recommends that the Government reconsider Ongaro's case.

CASE CLOSED

Case No. 779

Last considered by the CFA in January, 1974 (Before coup).

Brought by the Buenos Aires Journalists' Association in 1973.

Background:

Complaint concerns a threat by the Ministry of Labor to revoke its union status.

CFA position:

Information was not provided by the union to substantiate its complaint. Hence, case was dismissed.

LATEST INFORMATION RECEIVED

According to reports in early summer 1979, the Government is preparing to issue new trade union legislation which the trade unions regard as harmful to trade union activities. Although no legislative innovations have been announced, a change in the government's economic policy, disclosed in early October 1979 is meant to "benefit the workers" by providing access to technical education and training. The government continues to emphasize the economic plan and to ignore labor's demand for "normalization" of labor rights.

The Commission of Twenty-five had been summoned by the Labor Ministry to discuss a planned 24-hour general strike. Refusing to sign a statement saying they had violated a ban on union activity, the unionists were placed under arrest on April 24.

Following an investigation by an ORIT/AFL-CIO Commission most unionist were released. However, six labor leaders continued to be held for trial. A little over two months later, on July 7, the six were released.

U.S. Bilateral Assistance (Millions)

	<u>1976</u>	<u>1977</u>	<u>1978</u>
Econ	--	.1	--
Mil	34.4	.7	--
Total	34.4	.8	--

October 23, 1979